

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

KEITH RUSSELL JUDD

§

VS.

§

CIVIL ACTION NO. 1:07cv926

FRANCISCO J. QUINTANA

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Keith Russell Judd, an inmate confined at the Federal Correctional Institution at Texarkana, Texas, proceeding *pro se* and *in forma pauperis*, filed the above-styled petition for writ of habeas corpus. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court and 28 U.S.C. § 636.

Petitioner has filed a motion (doc. no. 6) seeking a preliminary injunction. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending that the motion be denied as moot.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Petitioner filed objections to the Report and Recommendation.

The court has conducted a *de novo* review of the objections. After careful consideration, the court is of the opinion the objections are without merit. The magistrate judge correctly concluded petitioner's transfer to a different prison unit rendered his request for preliminary injunctive relief moot. If petitioner believes his rights have been violated at his new unit, the proper remedy would be for him to file a separate lawsuit.

ORDER

Accordingly, petitioner's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is

ADOPTED. Petitioner's motion for preliminary injunction is **DENIED.**

So **ORDERED** and **SIGNED** this **16** day of **March, 2009.**

A handwritten signature in black ink, appearing to read "Ron Clark", written in a cursive style.

Ron Clark, United States District Judge